

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Garrick

February 23, 2007

An act to repeal Section 19517.5 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as introduced, Garrick. Horse racing: controlled substances: administrative hearings.

Existing law requires enforcement proceedings relating to the use of prohibited substances during a horse race be referred to the Office of Administrative Hearings for adjudication, as specified.

This bill would repeal that provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19517.5 of the Business and Professions
- 2 Code is repealed.
- 3 ~~19517.5. (a) Enforcement proceedings that allege the use of~~
- 4 ~~a prohibited substance, as defined under class I, class II, or class~~
- 5 ~~III of the board's schedule of prohibited substances, shall be~~
- 6 ~~referred directly to the Office of Administrative Hearings for~~
- 7 ~~administrative adjudication and preparation of a proposed decision~~
- 8 ~~for action by the board, unless both the licensee and the board~~
- 9 ~~waive that referral.~~

1 ~~(b) The hearing before an administrative law judge shall~~
2 ~~commence no later than 90 days after the filing of the accusation.~~
3 ~~The administrative law judge may extend the hearing date only~~
4 ~~upon a showing of good cause to the earliest possible hearing date~~
5 ~~beyond the 90-day period, provided a written order and the reasons~~
6 ~~for the continuance are filed with the board.~~

7 ~~(c) No later than 20 days before the hearing, the licensee shall~~
8 ~~post a bond with the paymaster of purses for the amount of the~~
9 ~~purse or purses in question and received by the licensee. The bond~~
10 ~~shall be in cash, or a surety bond that meets the requirements of~~
11 ~~the board.~~

12 ~~(d) (1) The board shall neither modify nor amend a proposed~~
13 ~~decision by the administrative law judge so as to increase any~~
14 ~~sanction or penalty contemplated in the proposed decision.~~

15 ~~(2) The board may, by means of a written decision that includes~~
16 ~~the reasons for its decision, modify or amend a proposed decision~~
17 ~~by the administrative law judge so as to decrease, mitigate, or~~
18 ~~suspend a sanction or penalty contemplated in the proposed~~
19 ~~decision.~~